

<b>FACSIMILE TRANSMITTAL FORM</b>	Application Number	10/626261	<b>RECEIVED CENTRAL FAX CENTER FEB 07 2006</b>
	Filing Date	July 24, 2003	
	First Named Inventor	Oxman, Joel D.	
	Art Unit	1614	
	Examiner Name	Krass, Frederick F.	
Fax: 571-273-8300	Attorney Docket Number	56464US003	
Total Number of Pages in This Submission: 4			
Date: February 7, 2006		Attorney for Applicant: Sean J. Edman	

ENCLOSURES (check all that apply)		
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Patent  
Case No.: 56464US003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: OXMAN, JOEL D.

Application No.: 10/626261

Group Art Unit: 1614

Filed: July 24, 2003

Examiner: Krass, Frederick F.

Title: HARDENABLE THERMALLY RESPONSIVE COMPOSITIONS

RESPONSE TO RESTRICTION REQUIREMENTMail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]	
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<i>Feb. 7, 2006</i>	<i>Judy Knutson</i>
Date: February 7, 2006	Signed by: Judy Knutson

Dear Sir:

This is in response to the Office Action mailed October 7, 2005.

Under the provisions of 37 CFR § 1.136(a), Applicant petitions to extend the period for filing a reply in the above-identified application. The requested extension and appropriate fee are as follows (check time period desired):

- ☐ 37 CFR § 1.17(a)(1) - Extension within first month  
☐ 37 CFR § 1.17(a)(2) - Extension within second month  
☒ 37 CFR § 1.17(a)(3) - Extension within third month  
☐ 37 CFR § 1.17(a)(4) - Extension within fourth month.

Please charge any fees due, or credit any overpayment to Deposit Account No. 13-3723.

One copy of this sheet marked duplicate is also enclosed.

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Restriction Requirement

Claims 1-70 are pending. Claims 1-70 were restricted under 35 USC § 121 as follows:

I. Claims 1-59 and 65-70 are said to be drawn to methods for treating surfaces with thermally responsive composition, and compositions for doing so, classified in Class 424, subclass 49;

II. Claims 60-64 are said to be drawn to thermally responsive modifier compounds, classified in Class 528, subclass 75;

In response to the Restriction Requirement, Applicants elect Group I, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Applicants submit that the Groups I and II claims are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of Groups I and II claims in different classes and subclasses is not necessarily sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

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Election of Species Requirement

With respect to Group 1, the Examiner has stated that if this group is selected, then a further election of species requirement is imposed. In response, Applicants elect the following species:

- 1.) Thermally responsive viscosity modifier: mixture of pluronic F127 and pluronic F68;
- 2.) Polymerizable component: mixture of PEGDMA, TEGDMA and IA: ITA: IEM;
- 3.) Additive: lidocaine hydrochloride;
- 4.) Method of application: syringing; and
- 5.) Surface: oral surface

Since the above species does not specifically exclude other features/elements, Applicants believe that at least the following claims would be readable on the elected species: 1-10, 15-19, 21-35, 40-46, 48-59.

The requirement for election of species is also traversed and reconsideration is respectfully requested. It is submitted that a search of the classes appropriate to the elected species would reveal art to the non-elected species.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

Feb. 7, 2006

Date

By: Sean J. Edman

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Office of Intellectual Property Counsel  
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